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1 **UNITED STATES DISTRICT COURT**
 2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 ROBERT BARBER,

7 Defendant.

8 Case No. 2:20-mj-00895-VCF

9 **FINDINGS AND ORDER**

10 Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

11 1. The parties desire to continue the preliminary hearing to facilitate pre-indictment resolution. The government has provided defense counsel with Rule 16 discovery for that purpose, and the parties are in active plea negotiations. The parties request a continuance in order to make one final attempt at reaching a resolution pre-indictment, and understand that any further continuances would not be in the best interest of justice if an agreement is not reached. The Court finds good cause to continue the hearing one final time to allow the parties to reach a pre-indictment resolution.

18 2. Both counsel for defendant and counsel for the government agree to the continuance.

20 3. Defendant is not in custody and agrees to the continuance.

21 4. The continuance is not sought for the purposes of delay, but to allow the parties to reach a potential resolution before the government moves forward with further prosecution.

5. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendants in a speedy trial.

6. The additional time requested by this stipulation is excludable in computing the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the above-captioned matter currently scheduled for August 9, 2021, at 4:00 p.m. be vacated and continued to August 24, 2021 at 4:00 pm in LV Courtroom 3D before Magistrate Judge Cam Ferenbach.

DATED this 4th day of August, 2021.

HONORABLE CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE